

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Bruce Rankin,

Case No. 21-cv-1560 (MJD/LIB)

Plaintiff,

v.

ORDER

Direct Recovery Services, LLC, et al.,

Defendants.

This matter comes before the undersigned United States Magistrate Judge upon the routine supervision of the cases that pend before the Court, pursuant to a general assignment made in accordance with the provisions of 28 U.S.C. § 636.

It appears that more than sixty (60) days have elapsed since Defendant Direct Recovery Services, LLC waived service in the present case, and Defendant Direct Recovery Services, LLC has yet to respond to the Complaint or otherwise enter an appearance in the present case. (Waiver of Service [Docket No. 8]).

After waiver of service pursuant to Rule 4(d), the Federal Rules of Civil Procedure require that a defendant file an answer or responsive motion within sixty (60) days of said waiver. See, Fed. R. Civ. P. 12. The Court does not permit the parties to extend the time for filing an answer or other pleading by agreement, although the Court will liberally consider an initial motion for extension of time, in the absence of objection by the opposing party.

Accordingly, **IT IS HEREBY ORDERED THAT:**

1. Within three (3) business days of the date of this Order, counsel for Plaintiff shall notify Defendant Direct Recovery Services, LLC that it is required to file responsive pleadings or move for an extension of time to do so;

2. If Defendant Direct Recovery Services, LLC fails to file responsive pleadings or move for an extension of time to do so within five (5) business days of having been given the notice required by Paragraph 1, Plaintiff shall file an application of default as to Defendant Direct Recovery Services, LLC or advise the Court in writing of any good cause for not doing so; and
3. If Plaintiff fails to comply with the foregoing within twenty (20) days of the date of this Order, the Court will recommend that the case be dismissed for lack of prosecution as it relates to Defendant Direct Recovery Services, LLC.

Dated: March 16, 2022

s/Leo I. Brisbois
Hon. Leo I. Brisbois
U.S. MAGISTRATE JUDGE